

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TOKIO MARINE AND FIRE INSURANCE
COMPANY,

Plaintiff,

v.

AUTO WAREHOUSING COMPANY, a
Washington corporation,

Defendant.

No. C04-5449RBL

ORDER GRANTING PLAINTIFF'S
MOTION TO COMPEL

THIS MATTER is before the Court upon Plaintiff Tokio Marine's Motion to Compel and for a limited extension of the Deadline for completing Discovery [Dkt. # 27]. The court has reviewed the materials submitted, as well as its June 24 Order [Dkt. #23] regarding Subpoenas. That Order was not intended to preclude all discovery into documentation created after August 10, 2000; it was intended to protect from disclosure documents falling within the work product and or attorney / client privileges. The date of creation of many documents determines whether or not they are privileged and protected. However, documents which were not created in anticipation of litigation (even if they were created after August 10, 2000) are discoverable. The documents sought by the Plaintiff here are such documents.

The Court therefore ORDERS:

Plaintiff's Motion to Compel [Dkt. # 27] is GRANTED.

By September 16, Defendant shall produce to Plaintiff (and shall update its privilege log to reflect documents which are not produced):

(1) The "loss run reports" for the Detroit Facility in AWC's files pursuant to Tokio's discovery

ORDER

1 requests;

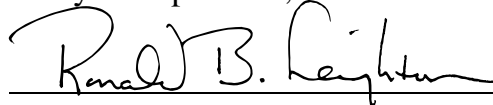
2 (2) The fax cover sheets and copied checks from Chubb requesting reimbursement for losses at
3 the Detroit Facility;

4 (3) Rogers & Norman documents pursuant to Tokio's subpoenas; and

5 (4) Chubb documents pursuant to Tokio's subpoenas.

6 (5) The Discovery Deadline is extended to September 23 for the limited purpose of allowing
7 Tokio Marine to depose Rule 30(b)(6) witness(es) from Rogers & Norman and Chubb Insurance. This
8 Discovery should occur as soon as possible following the production of the documents.

9 IT IS SO ORDERED this 7th day of September, 2005.

10 

11 RONALD B. LEIGHTON

12 UNITED STATES DISTRICT JUDGE

13 Digitally Signed upon oral authorization (JAB)